

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:
UNITED STATES OF AMERICA	:
	:
-v.-	:
	:
CHRISTOPHER GLIVENS,	:
a/k/a "Young Gunners,"	:
	:
Defendant.	:
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PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE ASSET

S1 11 Cr. 630 (KMK)

WHEREAS, on or about August 2, 2011, CHRISTOPHER GLIVENS (the "defendant"), was charged in two counts of a twenty-one-count Superseding Indictment, S1 11 Cr. 630 (KMK) (the "Indictment"), with participating in a conspiracy to distribute 280 grams and more of cocaine base, in violation of Title 21, United States Code, Section 846 (Count One); and possession of firearms during and in relation to the narcotics conspiracy charged in Count One of the Indictment, where said firearms were discharged, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 21, United States Code, Section 853, of any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of one or more of the violations and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of one or more of the violations alleged in Count One of the Indictment, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense;

WHEREAS, on or about May 2, 2013, the defendant pled guilty to Count One of the Indictment pursuant to an agreement with the Government, wherein the defendant agreed to forfeit a sum of money equal to \$2,500.00, representing property constituting or derived from

proceeds obtained directly or indirectly as a result of the offense alleged in Count One of the Indictment;

WHEREAS, on or about May 6, 2013, the Court entered a Consent Order of Forfeiture which imposed a Money Judgment against the defendant in the amount of \$2,500.00 in United States currency, representing property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the offense alleged in Count One (the "Money Judgment");

WHEREAS, the entire Money Judgment amount remains outstanding;

WHEREAS, as a result of acts and omissions of the defendant, the Government, despite its exercise of due diligence, has been unable to locate or obtain the additional proceeds of the offense of the defendant's conviction; and

WHEREAS, the Government has identified the following assets in which the defendant has an ownership interest: \$770.00 in United States currency, seized from the defendant (the "Substitute Asset").

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the defendant's right, title, and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).
2. The Substitute Asset shall be applied towards the satisfaction of the Money Judgment entered against the defendant.

3. Upon entry of this Preliminary Order of Forfeiture as to Substitute Asset, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure custody and control.

4. Pursuant to 21 U.S.C. § 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture as to Substitute Asset and notice that any person, other than the defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

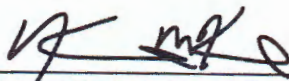
8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture as to Substitute Asset, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

9. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(3), upon entry of this Preliminary Order of Forfeiture as to Substitute Asset, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property subject to forfeiture, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture of Substitute Assets to Assistant United States Alexander J. Wilson, Chief, Money Laundering and Asset Forfeiture Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: White Plains, New York
~~November~~, ~~2018~~
May 18, 2023

SO ORDERED:



HONORABLE KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE